

The Role of Hisbah in Promoting Ethical Values among the Muslim Ummah in the Classical Period of Islam

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1. Introduction

In the Name of Allah the Most Gracious and Most Merciful

May Benediction and Solutation Be Upon The Noble Prophet Muhammads

The word Hisbah is derived from the root 'hasaba' which means "arithmetical problem", "sum" or "reward". The verb "hasaba", Yahsubu means to "compute", or "to measure". The verbal form "Ihtasaba" means "to take into consideration", to anticpate a reward in the hereafter by adding a pious deed to one's account with Allah.³ From here, the usage of a noun ihtasaba came to be associated with the activities of a person who invites others to do good (al-amr bi al ma'ruf) and forbids them from evil (annahy an al munkar) in the hope of getting a reward in the hereafter.⁴

Technically, Hisbah means promoting or ordering what is right and forbidding what is wrong.⁵ In other words, Hisbah is enjoining good if good is not done, and to forbid evil if evil prevails.⁶ The institution of Hisbah played a very significant role in promoting ethical values among the Muslim communities of all generations, most especially in the early period of Islam. This was the epic period during which Islam recorded its highest cultural and intellectual achievements. It was also the period, which we need to refer for guidance by following their footsteps, this is because it comprised the period of the Prophet (peace and blessings of Allah be upon him) and his pious companions. It is an admitted fact that practicing Hisbah of the God.

Allah fearing people deserves to be studied deeply in order to derive proper benefit from them. This is more important in the case of the companions who were chosen by Allah to accompany his beloved Prophet (peace and blessings of Allah be upon him). Thus, their activities not only served as a beacon to faith and practice, but also cause Allah's blessings.

Special reference is made to these periods because they are the most golden periods, which serve as a shining example for all the Muslims and it is also a direct reflection on the development of the Islamic civilization throughout centuries when Islamic principles were observed and implemented by the then Muslims. The activities of the specific Hisbah according to Amin (2002:49) developed from a small institution that concerned with the supervision of market to an institution that comprised various departments and dealing with almost everything that affects the general lives of the Muslim community. It performed its duties with justice, lpatience and care without jeopardizing the personal privacy of the individuals.

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³ H. Mukhtar "Public Duties in Islam", Islamic foundation. Nd p. 135. See also J.A. Jabir "Alqadah fi ahd Umar". Dar almadani, Jeddah. P. 539. N. Ahmad, "Mahadi'u al Qada fi-al ahwal al-Shakhsiiyah". Np.np 1986 pp. 401, Dar-almadn

⁴ Ibid

⁵ H.F, Muhammad "Al-ahkan alSultaniyyah", Dar al Fikar, nd Lebanon, P. 320, see also, Ibid, J.A. Jabir, P. 539, see also M.H. Aliu "Al-ahkan al-Sultaniyyah wa al wilayah al-diniyyu" Dar al kutub al-Ilmiyyah, Beirut, p. 299.

⁶ Ibid

However, the activities of the general Hisbah, Amin (2002:49) maintained that it developed when the Prophet (peace and blessings of Allah be upon him) sets the external examples in ordering what is good and forbidding evil before and after the establishment of the Islamic state at Madinah.

The Prophet (peace and blessings of Allah be upon him) reshaped the institution and provided the standard behavior. He took every step to stop the fraudulent practices in trying to safeguard individual rights against individual, as well as against government or the state, such as laws relating to trust (waqf), treasure trove, bail (kafala), hire (ijarah) sales, partnership (sharikah), co-partnership (mudarabah), transfer of debts and usurpation, etc. The Prophet (peace and blessings of Allah be upon him) also took every step to correct infamous acts in the Muslim society.

The aim of this paper is to examine the role of the institution of Hisbah in promoting ethical values among the Muslim Ummah in the early period of Islam. To achieve this goal, the paper is divided into six sections with this introductory section being the first section. The second section will look at the role of the institution of Hisbah in promoting ethical values during the period of the Prophet (peace and blessings of Allah be upon him). The third section will highlight the same in the period of the four rightly guided Caliphs. The fourth section will look at the period of the Umayyad Caliphate. The fifth section will look into the period of the Abbasid Caliphate and finally section six is the conclusion.

2. Hisbah During the Period of the Prophet (Peace and Blessings of Allah be Upon Him)

Prophet Muhammad (peace and blessings of Allah be upon him), the seal of all prophets and the final messenger had set the eternal example in ordering what is right and forbidding what is wrong. Part of his task therefore was to reshape the institution of Hisbah and provide the standard behaviors during his time. He personally shouldered the responsibility of promoting the Hisbah in all aspects of human life. Efforts have been made here to bring those aspects of economics, religious, and socio-cultural life of the people, and see the role, which the Prophet (peace and blessings of Allah be upon him) played through the institution of Hisbah to promote ethical values in the then Muslim society.

There are several instances that gave an insight into the Prophet's (peace and blessings of Allah be upon him) supervisions in promoting ethical values through the institution of Hisbah. Following are some of the examples:

i. Prophetic Hisbah in the economic activities

The prophet undertook the inspection of markets to see that merchants did not engage in an improper behavior. (Ahmad, 2000:261). He also purified business transactions from all kinds of malpractices, such as fraud, exploitation, profiteering, black marketing etc and forbid all transactions containing any of these elements. (Ahmad, nd: 89). He also standardized weights and measures and forbid people to use other less reliable standards. The Prophet (peace and blessings of Allah be upon him) also according to Tarrif (1986: 540) warned the commissioned agents and warned addressed them with a bad name saying, oh! The merchant community a lot of oaths are spoken and empty words are uttered during business transactions, so stick to charity in order that you may be forgiven

ii. Prophetic Hisbah in the religious activities.

The activities of Hisbah shouldered by the Prophet (peace and blessings of Allah be upon him) were not only restricted to economic activities, but also religious activities. This was so when the Prophet (peace and blessings of Allah be upon him) saw a man who prayed badly, by not completing his bowing (ruku') properly and pecking in his prostration (sujud), and said:

Were this man to die in this state, he would die on faith other than of Muhammad, pecking in his prayer as a crow pecks at blood; he who does not make bowing (ruku') completely and pecks in his prostration is like the hungry person who eats one or two dates, which are of no use to him at all.

Hasan, nd: p 44

iii. Prophetic Hisbah in the Socio-cultural activities

Satan is a manifest enemy of man who attacks the weak point of human nature and tries all tactics to trap human beings to commit various sins. For instance, it has been reported by Ibn Hanbal according to al-Gazali (2001:100) that a young boy came to the Prophet (peace and blessings of Allah be upon him) seeking his permission to commit adultery. The companions rejected his request, but the Prophet (peace and blessings of Allah be upon him) urged him to come forward. Then the Prophet (peace and blessings of Allah be upon him) asked him:

Do you want it to your mother and he answered no, May Allah protects her. The Prophet (peace and blessings of Allah be upon him) replied that similarly other people do not want it to be done to their mothers. The Prophet (peace and blessings of Allah be upon him) also asked him if he wants it to his daughter, his sister, and then his aunt. In all the cases, he answered negative, and the Prophet (peace and blessings of Allah be upon him) was also telling him that other people too do not want it to be done to anyone of theirs. In another version of the tradition, the Prophet (peace and blessings of Allah be upon him) placed his hand on the chest of the young boy and prayed, O Allah, purifies his heart and forgives his sin and protects his chastity, since then adultery became the most hateful act in his sight.

Beside the participation of the Prophet (peace and blessings of Allah be upon him) in the activities of Hisbah, he also received various complaints from public and answered questions on business transactions, religious duties and many questions that are related socio-cultural issues of the Muslim Ummah. Later on when Prophet (peace and blessings of Allah be upon him) became too busy to do this sort of work, he appointed some staff to do them on his behalf. For instance, he appointed Sa'id b. Sa'id b. Umayyad. (Mukhtar, nd: 136, Abd al-Allah b. Usaybah lb. al-As, Umar b. al-Khattab, (Izz al-Din, nd: 458), and two women. Samra bint Nuhayk al-Sa:diyyah and Shifa bint Abd al-Allah (Sa:diyyah, 2002: 49)

With all the above discussions, one can see that Hisbah played a very vital role in the promoting ethical values in the Muslim society during the period of the Prophet (peace and blessings of Allah be upon him). In the following section, the role played by Hisbah during the period of the Pious Caliphs and those that follow them will be discussed.

Hisbah in the Period of the Four Pious Caliphs

The practice of Hisbah initiated by the Prophet (peace and blessings of Allah be upon him) continued under the reign of his successors, who felt duty bound to uphold all what had been initiated by him. Each of the four pious Caliphs tried to maintain his duties as a leader of Islamic state enforcing what is right and forbidding what is wrong. Some examples are provided in the roles played by each of them in promoting the activities of the institution of Hisbah.

1. ABU BAKR AL-DIDDIQ (May Allah be pleased with him)

Abu Bakr, (May Allah be pleased with him), as the first successor to the Prophet (peace and blessings of Allah be upon him) left the examples of an ideal Muslim leader (Caliph) was regarded as the most distinguished in Islam, next after the Prophet,(peace and blessings of Allah be upon him). He was a Caliph who conducted himself in every aspect of his leadership and as a responsible leader and head of state. He allowed all what was initiated by the Prophet (peace and blessings of Allah be upon him) to continue under his regime. Since Abu Bakr (peace and blessings of Allah be upon him) remained firm and was determined to give effect to every word of the Prophet (peace and blessings of Allah be upon him) one can understand his objection to Umar and other companions, when he resolved to fulfill the desire of his great master on the issue of Usama b. Zaid as the commander of a battalion. Based on this and other similar issues, one can deduce that Abu Bakr (May Allah have mercy on him) had also confirmed other prominent personalities that were assigned various responsibilities by the Prophet (peace and blessings of Allah be upon him) as permanent staff in the institution of Hisbah, even during his tenure in the office of the Caliph.

He shouldered the function of Hisbah himself and also commanded people to participate in its activities. Among the activities he observed in Hisbah was the participation in waging the apostasy war, and those Muslims who were incited against the payment of poor due (Zakah). In a nutshell, one can also safely say that Abu Bakr (May Allah have mercy on him) carried out the function of Muhtasib himself, and invited other Muslims to participate in the activities of Hisbah. The Provincial governors had also participated in the activities of Hisbah during his regime..

2. UMAR B. AL-KHATTAB (MAY ALLAH BE PLEASED WITH HIM)

Umar b. al-Khattab, the second Caliph after Abu Bakr recorded remarkable achievements in running the affairs of the Muslims according to the dictates of the Shari'ah. This was with particular emphasis to Al- amr bi al-ma'ruf wa al-nahy an al-Munkar. He set many practical examples in his bid to enjoin good and forbid evil (Hisbah). He shouldered the function of Muhtasib himself, which did not stop with markets alone but extends to other religious activities. It was during the reign of Umar when the activities of Hisbah were fully practiced.

When Umar realized that the work of Hisbah touches every aspects of human life, he had to go for supervision and always tried to see that even neighbours are generous to their neighbors and had to ensure that everything was in order in terms of welfare and security of his subjects. There are also reports on the appointment of the market officers by Caliph Umar following the footsteps of the Prophet (peace and blessings of Allah be upon him) and Abu Bakr, the first Caliph. Thus, according to Tarrif (nd: 540), Umar assigned Mus'ab al'Zubairi, Sulaiman b. Abi Khaithaman, and Abd Allah b. Utbah to the market and ordered Abd Allah b. Utbah to collect (Zakah) from beans. Women too, were not left behind in this task, Umar retained al-Shifa bnt Abd Allah, who was appointed by the Prophet (peace and blessings of Allah be upon him, and he appointed Um Sulaiman al-Ansariyyah in the market of Madinah. Umar assigned them to inspect businesses of women. He also accepted their opinions being trustworthy women and recognized them and uplifted them over others.

3. Uthman B. Affan

He was the third Caliph. On assuming office as the third successor to the Prophets, Uthman ensured the continuity of the central policy, and nothing was left untouched in ordering what is good and forbidding what is evil, and he shouldered the activities of Hisbah by himself. There a notable service rendered to Islam by him during his caliphate, and that was safeguarding the manuscript of the Glorious Qur'an against discrepancies. This activity in itself is one of the activities of Hisbah. Another effort carried out by Caliph Uthman was teaching and propagating of Islamic principles. Uthman spent much of his time and energy preaching to the prisoners of war and many of them embraced Islam due to his efforts. He also taught Islamic law to the Muslims, and other people were appointed to ensure the row of worshippers were straight at congregational prayers, especially on Fridays, (Khandhalawi, 1981:197). Uthman b. Affan also operated tax-free market principles even though fair charges other than market dues were collected at some market places. However, he collected custom duties and merchandise Zakah at Madinah market.

4. Ali B. Abi Talib (The Fourth Caliph)

As the fourth successor to the Prophet, Ali b. Abi Talib was not left behind in enforcing the activities of Hisbah during his reign. He shouldered the activities of Hisbah at the central level, while the governors shouldered it in their respective provinces. Moreover, the activities of Hisbah covered both religious and other worldly activities. These include issues that are related to Tauhid, Ibadat, business transactions and morality of the Ummah throughout the society.

Ali b. Abi Talib always tried to ordain what is good and forbid evil even at a battleground. He once overcame a Jew in a fight at the battlefield and sat upon the Jew's chest to kill him. The Jew spat at Ali's face and Ali left him at once. The Jew was much surprised and asked him why he had not killed him on the spot. Ali replied "I was going to kill you for Allah's sake, but you spat on me. Thus, my sincerity was endangered because of my personal feelings". Upon hearing this, the Jew immediately embraced Islam. (Khandhalawi, 1981:250)

Ali, like his predecessors also used to go round the market places and help porters to carry their loads. He also retained those appointed by his predecessors as inspectors of the activities of Hisbah and appointed additional ones in order to cater for the needs of his time.

In the aforementioned examples, it can be seen how these pious Caliphs engaged themselves in copying the activities of Hisbah played by the Prophet and when the circumstances permits create new ways of making the institution more effective. However, it is very difficult to cover all the roles of Hisbah as practiced by these pious Caliphs, as the details of their roles in this institution cannot be included even in several volumes. What was written above is only to give few examples of the role of Hisbah as practiced by these pious Caliphs.

Hisbah During the Umayyad Caliphate

The institution of Hisbah was a very important and virtuous institution throughout the Muslim history. It was solidly based on the Glorious Qur'an and Sunnah, and Muslims were initially guided by the Prophet himself. The system of the institution of Hisbah too continued to develop during the early caliphate and the Umayyad period until it reached its climax during the Abbasid caliphate and in Muslim Spain. According to Ahnad, (2000:12), it is a unique Islamic institution for public welfare, promoting good, eliminating evil and safeguarding people's rights.

A Muhtasib in the Umayyad period headed the institution of Hisbah. The market was under the control and supervision of Muhtasib. He had to look after the price of goods, usurious transactions, sale of alcoholic drinks and to see whether or not the proper weights and measures were used.

He had to establish and maintain religious principles and public morals. A Muhtasib had the right to check and punish people who deviated from the activities of Hisbah.

Hisbah Under the Abbasid Period

The early Abbasid Caliphs directed all their efforts and time to the affairs of their state. They did not change the system of administration of the Umayyad, but they made the necessary reforms and choose qualified officers whom they supervised closely. The Abbasid kept the promises that they gave before the rise of their state. They directed their efforts to reforms in various fields, especially in administration. The non-Arabs helped them, namely the Persians who began to revive the Persian traditions in the administration.

Various Dawawin were developed such as Diwan al-Hisbah (Department of Moral Preservation), Diwan al-Zimmam (Audit Department), Diwan al-nadhr fi al-mazalim (Investigation of grievances Department), AND Diwan al-Shurtah (police), which was headed by the Sahib al-Shurtah (commander of police, who was responsible for order and public security). However, Hisbah became a department of the government, sometimes under ministry of law and sometimes independent during early Abbasid period and continued to be so in Ottoman Turkey and Mughal of India till the end of 19th century. The Diwan al-Hisbah was headed by the Muhtasib, whose job was al-Amr bi al-ma'ruf wa al-nahy an al-munkar, that is to encourage and direct people to do good and avoid what is bad in their different ways of life. Ahmad (2000:13).

At the beginning of the Abbasid era, the state had much expanded, its boundaries were extended, trade and industry flourished, travelling increased, and a Muhtasib was appointed by the order of the Caliph or one of his representatives. Abu Jafar al-Mansur appointed a Muhtasib who was charged with different duties to perform. These are as follows:

Muhtasib was appointed to oversee the affairs of market to prevent fraudulent practices, such as hoarding, selling of alcohol, to see that resources did not flow to the production and distribution of goods and services which are categorically Haram in the Shari'ah, to prevent secret dealings by the traders at their homes, warehouses and behind closed doors that disturb the supply flows and thus, interfere in the establishment of a natural price level, to ensure that traders were not allowed to form groups to push newcomers out of the market. That is to say free access to market was ensured to any one who wanted to enter the market, to discourage the traders from colluding to bid up prices artificially. In order to ensure all these policies were effective and efficient, each market had a chief appointed by the government.

A Muhtasib also prevented subversive activities by ensuring that men do not consort with women in public, wine is not sold and drunk in public. He also had to maintain supervision over religious law such as those whom he saw eating during the month of Ramadan, but he must not act on suspicion and had to first ensure the reasons for any contravention.

Conclusion

The institution of Hisbah started in the early period of Islam, specifically during the lifetime of the Noble Prophet. The Prophet was the one who initiated the activities of the institution, and himself became the first inspector of morals in the then Muslim society. When the society became very large, he then entrusted part of that responsibility to some of his trusted companions, among them were women. Those who succeeded him in running the affairs of the Muslim community, the four pious caliphs, followed his footsteps verbatim. However, with the expansion of the Muslim community and the Islamic state, various strategies were initiated in order to meet the new challenges facing the Islamic state. This is what was ensured in the regimes of the Umayyad and Abbasid caliphates.

References

- Abubabkar, J (ed), (1993), *Diya'u Abl-al Ihtisab*, Kaduna, publishing house.
- Ahmad A. (1999), *Al-Tabaqat al-Kubra*, np, Dar-al-Rashad al-Hadith.
- Albani, N.D, *Sifat al-Salat al-Nabiy min al-Takbir Ila al-Taslim ka'annaka Taraha maktab al-Ma'arif*, Riyad.
- Al-fayum, MA, (nd), *Kitab al-Misbahu-al-Munir fi Garib al-Sharh al-Kabir li al-Rafi'l*, Lebanon, Mu'assasatu Abd al-Hafiz al-Bassat.

- Al-Gazi N.A (nd), Kitab Mawahibi al-Khallaq ala Sherhi al-Tadawudi Ii al-Lamiyyah al-Ziqaq, np, np.
- Al-Husain, M. (2002), Tabaqat al-Sufiyyah np, Dar al-kutub al-Ilmiyya, Bairut Lebanon.
- Aljundi A.N, (1986), mabadiu fi al-ahwal al-Shakhsiyyah, up, np. Almunir M. (nd), Al-abhath al-Samiyyah, Meccah, Maktabatu al-Sunnah.
- Alyan, S. M. (1982), "Al-Sultatu al-qada'iyyah fi al-Islam", Egypt, University of Azhar.
- Anis I. et al, (nd), Almujiimu al Wasit, Bairut Dar al-Fikr.
- Danfodiyo A, jazyin al-Waraqat, Alhaji Dan-lge publishers, Sokoto.
- Danfodiyo M. B, Infaq al-maisur fi Tarikh Bilad al-Tukurur, Alhaji Dan-lge publishers, Sokoto.
- Danfodiyo S. U, Nur-al al-Bab, Alhaji Dan-lge publishers, Sokoto. Dar al-mashriq, (1986), Al munjid fi al-lugati wa al-a'alam, Bairut, Dar al-Mashriq.
- Fairuz Abad, M. Y (nd), A/qamus al-Muhil, Bairut Dar al-likr.
- Fodio, SA, (nd) Diyau uli al-amr wa al-ujahidun fi Sirati al-Nabiy wa al- khulafa al-Rashidun Sokoto, Tsamiyar Yaro.
- Habib, AM. (nd), Al-Ahkam al-Sultaniyyah wa-al-Wilayat al-Diniyyah, Beirut, Daru-al-Kutub.
- Husseini al-Farq, M. (1994) Ahkam al-Sultaniyah, Bairut, Dar-al-fikr. Ibn Taimiyyah, A. (nd), Al-Hisbah Fi al-Islam aw-wazifalu al-Hukumatu Al- Islamiyyah, Bairut, Bairut Dar al-kutub al-Islamiyya.
- Jabir al-tarif, JA, (1986), Al-Qada fi Ahd-Umar, Jiddah, Dar al-Mudni.
- Jawziyya, I.Q, (nd), Ai-Turuq al-Hikimiyyah fi al-Siyasoti zal-Shuri'yyah, Np, np
- Khaldun I, (nd), muqaddimatu Ibn Khaldun al-Mufadatu fi Garibi al-Qur'an, np. np.
- Masudi Ahmad, A (1993 & 1994), Al'amr bi-al-Ma aruf wa al-Nahy an-almunkar we Athruhuma fi hifzi al-Ummah, al-Mushtarika, (np).